IN RE: PETITION FOR ZONING VARIANCE S/S Bond Ave., 327.5' W of the ZONING COMMISSIONER c/l of Wolf Ave. (Lot #2); and S/S Bond Ave., 267.5' W of the * OF BALTIMORE COUNTY c/l of Wolf Ave. (Lot #3) 4th Election District * Case No. 89-496-A 3rd Councilmanic District Joseph L. Lee

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a variance to permit a lot width of 60 feet in lieu of the minimum required 70 feet and to allow a side yard setback of 8 feet in lieu of the required 10 feet with a sum of the side yards of 18 feet in lieu of the required 25 feet for Lots 2 and 3, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing and testifying on behalf of the Petition were Randolph and Cherry Smith, Contract Purchasers. There were no Protestants.

Testimony indicated that the subject property, known as Lots 2 and 3 of the Jacob Wolfe Subdivision, consists of 0.676 acres more or less zoned D.R. 3.5, and are both currently vacant. Testimony presented indicated that this Subdivision was designed in 1923 and laid out with 60-foot wide lots. Mr. Lee testified he has owned Lots 2 and 3, which were willed to him by an uncle, since 1978. Testimony further indicated that the subject property has been in the family for approximately 30 years. He testified the variances are required in order for the property to meet current setback regulations. Testimony indicated that the Petitioner proposes constructing single family dwellings on both lots, one of which is planned as the residence of his sister and her husband. Mr. Lee testified that all of the houses on this street are constructed on 60-foot wide

PETITION FOR ZONING VALANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.3,02.3.C1 To permit a lot width of 60 ft. in lieu of the required minimum 70 ft. and to allow a side yard setback of 8 ft. inlieu of the required minimum 10 ft. with a sum side yard width of 18 ft in ___ lieu of the required minimum 25 ft respectively of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

A variance is necessary to utilize the subject property for its intended use; it would otherwise cause undue hardship and be impractical for any other use;

The difficulties are unique when considered in relation to other properties in the Zoining District where houses set on lots that have the exact same "60 feet width" as the subject property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Cherry Z. Smith & Love C. Watkins Joseph L. Laa (Type or Print Name) (Type or Print, Name) Joseph d. Sec Cherr Ciril + how Withen Signature 3309 Woodriple Rd. EF 5303 Alberty Heights Ave. 21207 3403 Piedmont Ave. 21216 Baltimora, Nd. 21207 1000 AF (Type or Print Name) City and State Attorney for Petitioner City and State Name, address and phone number of legal owner, conract purchaser or representative to be contacted 3309 Woodriple Rd. Baltimore, MA. 21207 (301) 521 4841 Attorney's Telephone No.: of ______, 1 2 5, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore Courty, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

lots. Testimony indicated that the granting of the requested variances will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County his May of June, 1989 that the Petition for Zoning Variance to permit a lot width of 60 feet in lieu of the minimum required 70 feet and to allow a side yard setback of 8 feet in lieu of the required 10 feet with a sum of the side yards of 18 feet in lieu of the required 25 feet for Lots 2 and 3, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. if, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be respon-

4th Election district

60x 270 = 14,760 SQ FT, ± = 0,338 Ac, ±

sible for returning, said property to its original

2) The side yard variance granted herein is limited to the proposed dwellings only as set forth in Petitioner's Exhibit 1.

3) Petitioners shall not allow or cause either of the proposed dwellings to be used as a two family dwelling unit. There shall be only one kitchen facility provided within each dwelling unit.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 857-3353 J. Robert Haines Zoning Communicate

Dennis F. Rasmussen

Mr. Joseph L. Lee 3309 Woodriple Road Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE S/S Bond Ave., 327.5' W of the c/l of Wolf Ave. (Lot #2); and S/S Bond Ave., 267.5' W of the c/l of Wolf Ave. (Lot #3) 4th Election District - 3rd Councilmanic District Joseph L. Lee - Petitioner Case No. 89-496-A

Dear Mr. Lee:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

June 14, 1989

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

cc: Randolph and Cherry E. Smith 5303 Liberty Heights Avenue, Baltimore, Md. 21207

Ms. Love C. Watkins 3403 Piedmont Avenue, Baltimore, Md. 21216

People's Counsel

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case No.: 89-496-A
Lot #2: S/S Bond Avenue,
327.5' W of cf Wolf Avenue

Ird Councilmanic egal Owner(s):

imum 70 ft. and to allow a side

required minimum 10 ft, with a sum side yard of 18 ft. in fieu of

spectively.
In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on May 18., 19_89

price \$ \$ 45.31

missoner with, nowever, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES Zoning Commissioner of Baltimore County 5/255 May 18.

PO12531 28973 M 28973 cs 89-496.1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 4th	
Posted for:	Date of Posting May 15-1
Petitioner: Legal owner greft Ly	Sond arema 327.5' Wofthe Cl
Location of property: Jet #2 5/5 pt	Bond arema 327.5' Worthe Cl
Wolfarenew- Int #3 S/S of Bond	arena 267.5 West the CRC 768/ Rosen
Location of Signs South side of Bos	arena 267.5 Wy the Acy Helf avenue arena in front of Lets 243
Remarks:	
Posted by Signature	Date of return May 19 - 8-9
Number of Signs: /	

CERTIFICATE OF PUBLICATION Pikesville, Md., May 17 19 39 Beginning on the south side of Bond Ave. 40 feet wide, at the distance of 267.5 feet wast of the center line of Wolf Ave. Being Lot #3, in the book Wolf Subd. U.P.O. #7 Part 1-79 on the 1th Election district. THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 18th day of May 19 84 the first publication appearing on the 17th day of May , 19 5-9 the second publication appearing on the _____day of __ the third publication appearing on the THE NORTHWEST STAR Cost of Advertisement_ 1.0. # 12532

89-496-A

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

Date: 5/23/89

Mr. Joseph L. Lee 3309 Woodriple Road Baltimore, Maryladn 21207

Re: Petition for Zoning Variance CASE NUMBER: 89-495-A

Lot #2: 5/S Bond Avenue, 327.5' W of c/1 Wolf Avenue Lot #3: S/S Bond Avenue, 267.5' W of c/l Wolf Avenue 4th Election District - 3rd Councilmanic

Legal Dwner(s): Joseph L. Lee Contract Purchaser(s): Cherry E. Smith & Love C. Watkins HEARING SCHEDULED: THURSDAY, JUNE 8, 1389 at 11:00 a.m.

Dear Mr. Lee:

Please be advised that * 91 is due fo. advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

EALTIMORE COUNTY, MARYLAND CFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

or each set not

ging(papaked):143 or f VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 18, 1989

Petitioner: Joseph L. Lee

Department of State Poads Commission Bures, of Fire Prevention Health Department Project Planning Building Department Board of Education

Zoning Administration

industria!

COUNTY OFFICE BLOG.

MEMBERS

Burnau of

111 W Chesapeake Ave.

Mr. Joseph L. Lee 3309 Woodriple Road Baltimore, MD 21207

RE: Item No. 397, Case No. 89-496-A Petition for Zoning Varinace

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer/you JAMES E. DYER

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Cherry E. Smith & Love C. Watkins 5303 Lil orty Heights Avenue Baltimore, MD 21207

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Dennis F. Rasmussen

id post set(s), there

NOTICE OF HEARING

May 2, 1989



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 , the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-496-A Lot #2: S/S Bond Avenue, 327.5' W of c/l Wolf Avenue Lot #3: S/S Bond Avenue, 267.5' W of c/l Wolf Avenue 4th Election District - 3rd Councilmanic Legal Owner(s): Joseph L. Lee Contract Purchaser(s): Cherry E. Smith & Love C. Watkins HEARING SCHEDULED: THURSDAY, JUNE 8, 1989 at 11:00 a.m.

Variance to permit a lot width of 60 ft. in lieu of the required minimum 70 ft. and to allow a side yard setback of 8 ft in lieu of the required minimum 10 ft. with a sum side yard of 15 ft. in lieu of the required minimum of 25 ft. respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Joseph L. Lee Cherry E. Smith & Love C. Watkins

Polit frince

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 25, 1789



Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 394, 395, 396, 397, arii 398. Very truly yours,

> Machaef & Flengi Michael S. Flanigan Traffic Engineer Associate II

Petitioner'

Attorney

83-435-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______ 5th day of ______, 1989.

Petitioner Joseph L. Tag Chairman, Zoning Plans Advisory Committee PETITIONER'S EXHIBIT PROP. PROP. 42×44 DWG.

PLAT FOR ZONING VARIANCE NAME! JOSEPH LEE

_32°30'E

LOT AREA = 14,760 SQ.FT. ± = 0,338 Ac. t JACOB WOLFE SURD, YARC, 并了 PART 1-70

LOT 12

LOT 13

LOT 2. = X ZONING = D.K. 3. E EXISTING, UTILITIES ON SOND AVE.

SCALE: 1"= 50

4TH ELECTICAL DIST.

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



VICINITY MAP

NOT TO SCALE

Re: Property Owner: Joseph Lee

Location: Lot #2: S.S. Bond Ave., 327.5' W of centerline of Wolf Ave. Iot #3: S.S. Bond Ave., 267.5' W. of centerline of Wolf Ave. Item No.: 397 Zoning Agenda: April 4, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

PEVIEWER: Cast Joseph 3-31-59

Playhing Group

Special Inspection Division

Noted and Captulian Shudi Fire Prevention Bureau

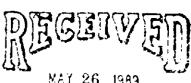
Special Inspection Division

BALLIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner

DATE: May 25, 1989

FROM: Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS



Case No. 89-496-A Item No. 397

Re: Joseph L. Lee

ZONING OFFICE

The applicant is requesting consideration to establish lot sizes of 60 feet in width rather than 70 feet and variances to respective side yards where required. In reference to these requests, staff provides the

- In instances such as these, staff's primary concurs are:

1. What is the impact on adjoining property?, and;

2. Are adequate front, side, and rear vard setbacks being provided on the site? and:

3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to building unsuitable homes on the lots or expand homes into required

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

This petition is not clear as to whether Lot #3 only or Lots #2 and #3 are involved. Please clarify this in the Order.

A:6889.txt Pg 2

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

333 Chart Heinfiller.
333 Calent Heinfiller.
1804 Carter on A. 3 61111

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee TO c/o Carl Richards May 12, 1989

FROM Pobert W. Bowling, P.E. SUBJECT__Item #397

PROPERTY OWNER: Legal Gwner: Joseph Lee Contract Purchaser: Cherry E. Smith and Love C. Watkins

Lot #2: S.S. Bond Ave., 327.5' W of centerline of Wolf Ave. Lot #3: S.S. Bone Ave., 267.5' W of centerline of Wolf Ave. DISTRICT: 4th Election District

The Zoning Plan for the subject item has been reviewed by the Developers Engineering Division and we comment as follows:

Right-of-way widening and 10-foot slope easement should be granted to Baltimore County at no cost.

BIGHTO PORFAT W POWING

Robert W. Bowling, P.E., Chief Developers Engineering Division

RWB:pab cc: File

BOND/TXTCOMM2